

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARY ABRO,

Plaintiff,

Case No. 2:10-cv-11949

v.

HONORABLE STEPHEN J. MURPHY, III

JP MORGAN CHASE BANK, N.A.

Defendant.

ORDER GRANTING DEFENDANT'S MOTION TO DISMISS (docket no. 22)

On April 1, 2010, plaintiff, Mary Abro, filed a six-count complaint in Macomb County Circuit Court against JP Morgan Chase Bank ("Chase") and the Federal Deposit Insurance Corporation ("FDIC"). The complaint alleges claims for i) civil conspiracy, ii) fraudulent misrepresentation, iii) promissory estoppel, and iv) breach of contract. The complaint also seeks an order quieting title and declaratory judgment. Chase filed a notice of removal on May 13, 2010, based on diversity jurisdiction. The FDIC subsequently filed a motion to stay because Abro had failed to exhaust her administrative claims. Based on the stipulation of counsel, the Court dismissed the FDIC from the action with prejudice on August 18, 2010.

On September 17, 2010, Chase brought this motion to dismiss pursuant to Fed. R. Civ. P. 12(c). The motion was been fully briefed, and the Court held a hearing on November 9, 2010. For the reasons stated by the Court during the hearing, and for the reasons stated by Judge Borman in *Mekani v. Homecomings Fin., LLC*, No. 10-10992, 2010 U.S. Dist. LEXIS 66822 (E.D. Mich. July 6, 2010), the Court grants Chase's Motion

to Dismiss, and dismisses Abro's complaint in its entirety.¹

Chase's motion to dismiss also seeks costs and fees, including attorney's fees. Judge Borman awarded Defendants costs in *Mekani*, and the Court will do the same here. Given that Judge Borman had previously dismissed a nearly identical complaint, Abro should have known that her complaint failed to state a cause of action, and Chase should not be forced to incur costs in defending against it.

WHEREFORE it is hereby **ORDERED** that JP Morgan Chase Bank, N.A.'s motion to dismiss (docket no. 22) is **GRANTED**.

IT IS FURTHER ORDERED that Defendant will be **GRANTED** the costs and fees, including attorney's fees, associated with this complaint.

SO ORDERED.

s/Stephen J. Murphy, III
STEPHEN J. MURPHY, III
United States District Judge

Dated: November 10, 2010

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on November 10, 2010, by electronic and/or ordinary mail.

Alissa Greer
Case Manager

¹ *Mekani* was decided pursuant to Fed. R. Civ. P. 12(b)(6). A motion for judgment on the pleadings pursuant to Fed. R. Civ. P. 12(c) is analyzed under the standards for dismissal stated in 12(b)(6). *Scheid v. Fanny Farmer Candy Shops, Inc.*, 859 F.2d 434, 436 (6th Cir. 1998).